

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANICE SHORTER, PERSONAL	:	
REPRESENTATIVE AND LEGAL	:	NO. 3:16-CV-01973
GUARDIAN FOR DONSHAY SAYLES,	:	
	:	
Plaintiff,	:	
	:	(Judge Mannion)
v.	:	(Magistrate Judge Arbuckle)
	:	
CHARLES E. SAMUELS, JR., ET AL.	:	Electronically Filed
	:	
Defendants.	:	

SUPPLEMENTAL STATEMENT OF MATERIAL FACTS IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT BY BIVENS DEFENDANTS

In accordance with the Court’s order of May 10, 2022, (Dkt. No. 195), the *Bivens* Defendants submit the following supplemental statement of material facts in support of their motion for summary judgment pursuant to Fed. R. Civ. P. 56. *See* Dkt. Nos. 95, 99, 100, 100-1, and 111. ***None of the facts in this submission alters, changes, or revises any of the facts described in the Bivens Defendants’ original statement of material facts.*** *See* Dkt. No. 100.

1. On May 21, 2014, after learning about the May 16, 2014, altercation between Wing and Sayles, Janice Shorter wrote an email to the BOP expressing “concern that Donshay was being harassed by the guards and Lieutenant as well as

fellow prisoners.” *See* Exhibit K. She further wrote, “I received a letter that he was trying to stay in confinement to PREVENT from being hurt by those threatening him and yet he still wound up hurt and is on life support.” *Id.* (emphasis in original).

2. As of May 21, 2014, Ms. Shorter stated that she “will do anything to bring to for front [*sic.*] any mishandling while he was in custody at [USP Canaan].” *Id.*

3. As of May 21, 2014, Ms. Shorter believed that BOP staff “failed [Sayles] while he was supposed to be safe.” *Id.*

4. On August 21, 2014, Wing wrote a letter to Christopher Heavens. *See* Exhibit L.

5. Heavens’ office received that letter on August 26, 2014. *Id.*

6. Wing, in reference to his altercation with Sayles, represented in the letter that “[t]he BOP was beyond negligent[;] they actually orchestrated all that occurred, and I can prove it ten times over because they fucked up and left a trail. It will blow your mind. Trust me, compared to what really happened, negligence

would make them appear professional and competent. I can give you their heads on a platter.” *Id.*

Respectfully submitted,

JOHN C. GURGANUS
United States Attorney

/s/ Richard D. Euliss
RICHARD D. EULISS
Assistant U.S. Attorney
DC 999166
HARLAN W. GLASSER
Assistant U.S. Attorney
PA312148
228 Walnut Street, 2nd Floor
P.O. Box 11754
Harrisburg, PA 17108-1754
Phone: 717-221-4462
Fax: 717-221-4493
Richard.D.Euliss@usdoj.gov

Dated: May 23, 2022

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANICE SHORTER, PERSONAL	:	
REPRESENTATIVE AND LEGAL	:	NO. 3:16-CV-01973
GUARDIAN FOR DONSHAY SAYLES,	:	
	:	
Plaintiff,	:	
	:	(Judge Mannion)
v.	:	(Magistrate Judge Arbuckle)
	:	
CHARLES E. SAMUELS, JR., ET AL.	:	Electronically Filed
	:	
Defendants.	:	

CERTIFICATE OF SERVICE VIA ECF

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on May 23, 2022, she caused to be served a copy of the attached

**SUPPLEMENTAL STATEMENT OF MATERIAL FACTS IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT BY BIVENS DEFENDANTS**

by electronic service pursuant to Local Rule 5.7 and Standing Order 05-6, & 12.2 to the following individual(s):

Jennifer J. Tobin, Esquire @ jtobin0913@gmail.com
Christopher Heavens, Esquire @ Chris@heavenslawfirm.com
Jay T. McCamic, Esquire @ jay@mspmlaw.com
Christopher J. Gagin @ Chris@mspmlaw.com
Walter P. Zivley, Jr. @ Pzivley@cmzlaw.net

/s/ Cynthia E. Roman
Cynthia E. Roman
Supv. Paralegal Specialist